



Land Use Planning Division
 1600 SE 190th Ave, Ste 116
 Portland OR 97233
 Ph: 503-988-3043 Fax: 503-988-3389
 multco.us/landuse

**NSA Lot Line
 Adjustment
 Expedited
 Application**

APPLICANT

Name _____ Phone _____
 Mailing Address _____ Fax _____
 City _____ State _____ Zipcode _____ e-mail _____

PROPERTIES TO BE ADJUSTED

Tract #1

Situs Address _____ Size _____
 Alternate Acct # _____ State Identification # _____

Owner _____ Phone _____
 Mailing Address _____ Fax _____
 City _____ State _____ Zipcode _____ e-mail _____

 Property Owner Signature _____ Date _____

Tract #2

Situs Address _____ Size _____
 Alternate Acct # _____ State Identification # _____

Owner _____ Phone _____
 Mailing Address _____ Fax _____
 City _____ State _____ Zipcode _____ e-mail _____

 Property Owner Signature _____ Date _____

NOTE: By signing this form, the property owner(s) or property owner's agent is granting permission for Planning Staff to conduct site inspections on the property

If no owner signature above, a letter of authorization from the owner is required.

For Staff Use
CASE NUMBER
DATE SUBMITTED
PF/PA No.
Related Case No.
Zoning
Open UR/ZV
By: _____

Complete this form and return with a Tentative Plan map that includes the following:

- ✓ Date, north arrow, and scale
- ✓ Area and dimensions of each lot or parcel after adjustment
- ✓ Name and present right-of-way width(s) of abutting street(s)
- ✓ Location of existing buildings and distances to property lines
- ✓ Location of fences, driveways, and other information
- ✓ Identifies the parcels as Tract #1 and Tract #2 to match above ownership

The tentative plan map must show each lot or parcel being adjusted. The map should be 8½" x 11" or 11" x 17" in size and should be drawn to scale, using an engineer's scale (which uses tenths) to show the number of feet per inch (such as 1" = 40' or 1" = 200').

Instructions for applicants:

The checklist below asks you to confirm facts or conditions related to your property and proposal. The numbered paragraphs in bold represent code requirements or criteria for development in the National Scenic Area (NSA). Those criteria are addressed when you check a box below each numbered paragraph. By checking a box, you are confirming that the corresponding statement applies to your project. Staff concurrence is indicated by initials in the boxes along the right column of this form. Please ensure that you check a box under every numbered paragraph or staff will not be able to process this application under the Expedited Review Process.

Parcel Criteria

1. Each property subject to this application is a "parcel" eligible for property line adjustment because:

Staff initial:

- As described in the attached legal instrument and confirmed by planning staff, the property is a unit of land created by partition or subdivision that was legally recognized under state laws and local ordinances in effect on November 17, 1986. (i.e. the property is a parcel in a partition plat or lot in a subdivision.)
- As described in the attached legal instrument, the property is a unit of land legally created and separately described by deed, sales contract, or record of survey prior to November 17, 1986, and complied with planning, zoning, and land division ordinances in effect at the time the parcel was created.
- As described in the attached legal instrument and confirmed by planning staff, the property is a unit of land legally created and separately described by deed or sales contract after November 17, 1986, and was approved under the Final Interim Guidelines or a land use ordinance consistent with the Management Plan, or by the U.S. Forest Service Office prior to the Final Interim Guidelines.

Attach copies of the deeds that created each of the properties

Note to applicant: If more than one box is checked, then write the Tract number next to the box that corresponds with that property. If it is not readily apparent to staff that a property qualifies under one of these boxes, a separate process may be needed to determine the legality of the parcel.

2. Each property subject to this application is in full compliance with all applicable provisions of the Multnomah County Land Use Code and/or any permit approvals previously issued by the County.

Staff initial:

- All buildings shown on the tentative plan have been permitted by Multnomah County, or were constructed prior to the adoption of building permit requirements on August 4, 1955.
- As reported by the applicant and confirmed by planning staff, no uses exist on site that are in violation of the zoning code. Staff performed a site visit on _____. *This criterion has been met.*

Attach permit records and/or data on age of structures.

General Management Area Criteria

The following apply to properties in the General Management Area (i.e., it is in a zone district that begins with "GG"). If neither of the properties are in the General Management Area, then proceed to Special Management Area criteria (page 4).

2. The property line adjustment is not within an Open Space (GGO), Public Recreation (GG-PR), or Commercial Recreation (GG-CR) zone district.

Staff initial:

- County zoning maps show that neither of the properties is within a GGO, GG-PR, or GG-CR zone district. *This criterion has been met.*

3. The property line adjustment shall not result in the creation of any new parcel(s).

Staff initial:

- As shown on the tentative plan, and confirmed by planning staff, no additional parcels are to be created. *This criterion has been met.*

4. Approval criteria 5 through 7 do not apply to properties within a Commercial (GGC) zone district.

Staff initial:

- County zoning maps show that both properties are within the GGC zone district. *Proceed to criterion 8.*

- County zoning maps establish that at least one of the properties is outside of a GGC zone district. *Criteria 5 through 7 apply.*

5. The property line adjustment shall not result in the potential to create a new parcel(s) or residential development in excess of the minimum density allowed by the land use designation(s) for the affected parcels.

Staff initial:

- As shown on the tentative plan and confirmed by planning staff, neither of the resulting parcels can be further divided, nor will they provide for residential development in excess of what can presently occur on the properties. *This criterion has been met.*

**Attach
tentative
plan**

6. The property line adjustment shall not allow a parcel that is equal to or larger than the minimum parcel size before the adjustment to become less than the minimum parcel size after the adjustment; except to allow a public or non-profit entity to acquire land for the purpose of protecting scenic, cultural, recreation or natural resources, provided the land being acquired would be protected by a conservation easement or other similar property restriction that precludes future land divisions and development.

Staff initial:

- Neither of the properties exceeds the minimum lot size of the zone district prior to adjustment. *This criterion is not applicable.*

- As shown on the tentative plan, parcels equal to or larger than the minimum lot size before the adjustment do not fall below the minimum lot size after the adjustment. *This criterion has been met.*

- Parcels equal to or larger than the minimum lot size before the adjustment are being reduced below the minimum lot size to allow a public or non-profit entity to acquire land for the purpose of protecting scenic, cultural, recreation or natural resources. A legal document has been signed establishing that the land being acquired is to be protected by a conservation easement or other similar property restriction that precludes future land divisions and development. *This criterion has been met.*

**Attach
signed
legal
document**

7. The property line adjustment shall not allow a parcel that is smaller than the minimum lot size to be reduced in size, except to: (a) resolve boundary disputes, correct physical encroachments, provide reasonable access or meet buffer/setback requirements provided the amount of land being transferred is the minimum necessary to resolve the issue, or (b) allow a public or non-profit entity to acquire land for the purpose of protecting scenic, cultural, recreation or natural resources, provided the land being acquired would be protected by a conservation easement or other similar property restriction that precludes future land divisions and development.

Staff initial:

The property being reduced in size meets or exceeds the minimum lot size of the zone and will remain above the minimum lot size after adjustment. *This criterion is not applicable.*

The property being reduced in size is below the minimum lot size and will not be further reduced in size by the adjustment. The property line adjustment is an equal area exchange only. *This criterion is met.*

As shown on the tentative plan, a parcel smaller than the minimum lot size is being reduced in size to resolve a boundary dispute, correct a physical encroachment, provide reasonable access or meet a buffer/setback requirement and the amount of land being transferred is the minimum necessary to resolve the issue. *This criterion has been met.*

Label reason for adjustment on the plan

A parcels smaller than the minimum lot size is being reduced in size to allow a public or non-profit entity to acquire land for the purpose of protecting scenic, cultural, recreation or natural resources. A legal document has been signed establishing that the land being acquired is to be protected by a conservation easement or other similar property restriction that precludes future land divisions and development. *This criterion has been met.*

Attach signed legal document

8. The property line adjustment shall not allow the boundary of a parcel designated Large-Scale Agriculture (GGA-40) or Commercial Forest (GGF-40 or GGF-80) to be extended into another land use designation for the purpose of establishing a dwelling under less stringent rules (e.g. extending a parcel designated GGA-40 into a Rural Center (GGRC) zone).

Staff initial:

Neither of the properties is within a GGA-40, GGF-40, or GGF-80 zone district. *This criterion is not applicable.*

The property line adjustment includes parcels zoned GGA-40, GGF-40, or GGF-80; however, as shown on the tentative plan neither of the resulting properties extends into other zone districts. *This criterion has been met.*

Show zone district boundary on plan

Special Management Area Criteria

The following apply to properties in the Special Management Area (i.e. it is in a zone district that begins with "GS").

Staff initial:

9. The property line adjustment shall not result in the creation of any new parcel(s).

As shown on the tentative plan, and confirmed by staff, no additional parcels are to be created. *This criterion has been met.*

10. The property line adjustment shall not result in a parcel greater than or equal to 40 acres becoming less than 40 acres.

Staff initial:

- Neither of the properties is greater than or equal to 40 acres in size. *This criterion is not applicable.*
- As shown on the tentative plan, parcels greater than or equal to 40 acres are not being reduced such that they become less than 40 acres in size. *This criterion has been met.*

11. The property line adjustment shall not result in a parcel less than 40 acres becoming 40 acres or greater.

- Neither of the properties is smaller 40 acres in size. *This criterion is not applicable.*
- As shown on the tentative plan, parcels smaller than 40 acres are not being increased in size such that they are 40 acres or larger. *This criterion has been met.*

Staff initial:

12. The property line adjustment shall not allow a parcel that is smaller than 40 acres to be reduced in size, except to: (a) resolve boundary disputes, correct physical encroachments, provide reasonable access or meet buffer/setback requirements provided the amount of land being transferred is the minimum necessary to resolve the issue, or (b) allow a public or non-profit entity to acquire land for the purpose of protecting scenic, cultural, recreation or natural resources, provided the land being acquired would be protected by a conservation easement or other similar property restriction that precludes future land divisions and development.

- Neither of the properties is smaller than 40 acres in size. *This criterion is not applicable.*
- As shown on the tentative plan, a parcel smaller than 40 acres is being reduced in size to resolve a boundary dispute, correct a physical encroachment, provide reasonable access or meet a buffer/setback requirement and the amount of land being transferred is the minimum necessary to resolve the issue. *This criterion has been met.*
- A parcels smaller than 40 acres is being reduced in size to allow a public or non-profit entity to acquire land for the purpose of protecting scenic, cultural, recreation or natural resource. A legal document has been signed establishing that the land being acquired is to be protected by a conservation easement or other similar property restriction that precludes future land divisions and development. *This criterion has been met*

Staff initial:

Label reason for adjustment on the plan

Attach signed legal document

13. The property line adjustment shall not cause previously approved parcels or development to violate conditions of approval (e.g. required landscaping, buffers, etc.)

- Neither the existing parcels nor existing development are subject to conditions of approval. *This criterion is not applicable.*
- Conditions of approval apply to the parcels or existing development; however, as shown on the tentative plan, this adjustment will not cause these conditions to be violated. *This criterion has been met.*

Staff initial:

Note nature of prior conditions on the plan

14. The property line adjustment shall not result in a parcel that cannot comply with existing resource protection provisions, including, but not limited to, requirements for buffer zones and landscaping.

Staff initial:

- The tentative plan shows that the development can occur on the proposed parcels in compliance with resource protection provisions such as requirements for buffer zones and landscaping. *This criterion has been met.*

**Show
resource
boundary
on plan**

NOTE TO APPLICANT: Resource maps are available for review at the land use planning office and staff can assist in identifying whether or not a resource buffer may impact the properties.

NOTICE OF PRELIMINARY DECISION

In accepting this application for expedited review, the Planning Director is granting preliminary approval of the development. The Gorge Commission, U.S. Forest Service, Indian tribal governments, and property owners within 750 feet of the subject tract will be given 14 days to provide comments. If no comments are received, the decision shall become final at the close of business on the 14th day. If substantive written comments are submitted, the Planning Director will either modify the decision to address the comments and re-issue it for a 14-day appeal period or re-direct the application to full review if comments establish that the proposed development is not eligible for expedited review.

Comments must be directed to the applicable approval criteria. Those in **bold** above are listed in MCC 38.7970 of the County code. Failure to provide comments during the comment period will preclude a right to appeal.

Conditions/Limitations of Approval

1. The property owner, or their representatives, shall complete the property line adjustment in accordance with the attached “Applicant Instructions for Finishing a Property Line Adjustment” and “Surveyor’s Instructions for Finishing a Property Line Adjustment.”
2. This property line adjustment must be completed within 2 years of the date of this decision. To complete the adjustment, deeds must be recorded with the County recorder. The property owner may request an extension of this timeframe, as provided in MCC 38.0700.

This decision is final at the close of the comment period unless comments are received. If no comments are received, the effective date of the decision is _____.

FOR STAFF USE

At close of the comment period (check one that applies):

- No substantive written comments were received. The decision is final.
- Substantive written comments were received. The Planning Director will issue a letter addressing the comments and may modify this preliminary decision.
- Written comments were submitted showing that the proposed development is not eligible for expedited review. The project will be reviewed using the full development review process.

Staff initial: _____ Date: _____

Any comments received are included in the County records for this application.

- Fill out NSA DR Database Form for Gorge Commission and include copy with file.